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"presidential succession," "the powers and duties of the President," "the appointment and removal of officers," "military law," "martial law," "the separation of powers," "conclusiveness of administrative determinations," and "the delegation of legislative power." The discussion of such comparatively untouched subjects causes the work to supplement in a very useful way the earlier books on the same general subject. Yet it should not be inferred that there is any neglect to deal with the more common topics, such as "the supremacy of the Constitution," "principles of constitutional construction," "the division of powers between the United States and its member states," "the Fourteenth Amendment," "federal powers of taxation," "interstate and foreign commerce," and "the obligation of contracts." The whole ground is covered, in fact; and apparently it is covered with good judgment as to the relative space to be assigned to the topics in such a general treatise. The time has come when any one wishing minute knowledge as to taxation, interstate commerce, and the like, must go to special treatises or to the digests, and in recognizing this fact the author has consulted the interests both of lawyers and of the students for whose use the work was primarily intended.

A TREATISE ON THE LAW OF TRUSTS AND TRUSTEES. By Jairus Ware Perry. Sixth Edition, by Edwin A. Howes, Jr. In two volumes. Boston: Little, Brown and Company. 1911. pp. clxvii, 1642.

Of the American treatises on the subject of trusts, that by Perry is undoubtedly the most extensively used by lawyers and the most frequently cited by the courts. In the sixth edition, which has just appeared, the editor has brought the authorities down to date, citing about twenty-seven hundred new cases as well as the recently enacted or revised statutes of England and the several states relating to the subject. He has also rewritten the footnotes which were inserted in the fifth edition, which appeared a dozen years ago, and he has added many new notes. In the sixth as in the fifth edition practically no changes have been made in the text. The result is that the footnotes, though sometimes merely amplifying or explaining the text, are often contradictory to it. This method of treatment is rather unsatisfactory. Though there are parts of Perry's treatise which are admirable and which might be called classic, which perhaps deserve to survive unchanged by the hand of the reviser, yet there are also passages which are vague or inaccurate and which it would seem might better have been rewritten.

The footnotes added by the editor of the present edition are for the most part clear and convincing and add considerably to the value of the book. Particularly good are those dealing with matters relating to deposits in savings banks in the name of the depositor as trustee for another (p. 84), and with the right of the *cestui que trust* to follow the trust *res* into its product (p. 1359).

Among the other matters treated at some length in the new footnotes are the questions of voluntary settlements in trust (p. 110); trusts created by precatory words (p. 149); duties owing to the *cestui que trust* by a depository of trust funds (p. 177); bequests intended to be on trust but as to which no trust is declared in the will (p. 246); constructive trusts in cases where a deed or devise is procured by fraud or by a promise which is subsequently broken (p. 289); purchase of the trust *res* by the trustee (p. 316); purchase of land in his own behalf by one who has orally agreed to purchase for another (p. 346); the doctrine of *lis pendens* (p. 371); non-exclusive powers and illusory appointments (p. 436); the extent of the estate taken by a trustee (p. 532); restraints upon alienation (p. 628); the liability of a trustee to the *cestui que trust* for acts of co-trustees (p. 667), for misuse of trust funds (p. 690), and for acts of agents (p. 711); the liability of a trustee to third persons

in tort and in contract (p. 700); equitable conversion (p. 717); the power of a trustee to use income and principal to pay for repairs (p. 784); the respective rights of a beneficiary for life and of the remainderman as to stock and cash dividends (pp. 874, 882, 885) and as to bonds (p. 896), and where the testator has expressly or impliedly directed a conversion of the trust estate (p. 900) and where repairs or improvements are made (p. 911); charitable uses (pp. 1155, 1170, 1203) and the doctrine of *cy près* (pp. 1186, 1197); the duties of a purchaser from a trustee (p. 1312); the rights of creditors of a trustee (p. 1337); the doctrine of laches (p. 1418); and the circumstances under which the *cestui que trust* should be a party to suits involving the trust *res* (p. 1430).

Some matters are not so fully or adequately treated, such as the question as to when the *cestui que trust* has direct rights against third parties and when he has to work out his rights through his trustee, a matter vital to the proper determination of the question as to when the *cestui que trust* is barred by the trustee's laches, and of the question of joinder of parties. So too the discussion of the rights of a *bonâ fide* assignee for value of a non-negotiable *chose in action* might profitably have been more extensive than that contained in the footnote on page 1370. But the most important omissions have been adequately supplied by the editor. The many cross-references inserted in this edition and the revised index make the matter contained in the book much more readily accessible than formerly. It may be added that there are many references in the footnotes to the pages of this REVIEW.

A. W. S.

THE LAWS OF ENGLAND. By the Right Honorable the Earl of Halsbury and other lawyers. London: Butterworth and Company; Philadelphia: Cromarty Law Book Company.

Vol. XIII. Equity to Evidence. 1910. pp. ccxxii, 632, 107.

Vol. XIV. Execution to Fisheries. 1910. pp. cxcvi, 642, 77.

Supplement to Vols. 1-12. 1910. pp. xl, 197.

These volumes sustain the excellence of their predecessors, and in some respects are the most interesting of all for American lawyers. The supplement is well done, and is a most useful piece of work. It makes one envious of the English lawyer, of whose case law a considerable portion for three years is contained in so small a compass.

The importance of the articles in Vol. XIII is indicated by the great number of cases cited in it, as compared with those cited in other volumes. The important articles are Equity (175 pages), Estate and other Death Duties (153 pages), Estoppel (94 pages), and Evidence (216 pages). All these articles show clear analysis of the subject and an adequate though concise presentation of it. Three great heads of equity, Injunction, Specific Performance, and Trusts, are to be separately treated. The present article gives the general principles of equity jurisdiction, equitable interests, equitable doctrines, equitable relief against forfeitures and breaches of fiduciary obligations, and equitable defenses. The article on Estate Duties is timely, in view of the vast recent extension of our inheritance taxes. The articles on Estoppel and Evidence deal with subjects of the greatest practical value.

Volume XIV contains articles on Execution (129 pages), Executors and Administrators (217 pages), Explosives (47 pages), Extradition (27 pages), Factories and Shops (103 pages), Family Arrangements (14 pages), Ferries (10 pages), and Fisheries (72 pages). This is a more miscellaneous volume, and largely devoted to articles of exclusively English interest; but the principal article, that on Executors, is an admirable treatise on a subject of general law, and will be of great use to the American lawyer, for whom the present books on probate law and practice still leave something to be desired on points of history and general principle.

J. H. B.